MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5057 OF 2006

Maharashtra State Warehousing Corporation ... Petitioner
versus
M/s.G.D.Pitale and others ... Respondents

Mr.V.P.Sawant for petitioner.
Mr.S.U.Dhakephalkar for respondents 1,2,4 & 5.

CORAM : A.S.OKA, J.

DATE : 29th June 2007

PC :

1. The learned advocate for the petitioner states that after the impugned order was passed, the recording of the evidence has proceeded and advocate for the petitioner has cross-examined the witnesses of respondent.

2. The order impugned is of interlocutory nature. While passing the said order, the learned Trial Judge has observed that if a case is made out, the evidence can certainly be discarded at the time of final judgment.

MST

3. Considering the nature of the order, the same is capable of being challenged in an appeal which may be preferred by the petitioner for challenging the decree passed in the suit, in case the said decree is adverse to the petitioner.

4. Subject to what is stated above, the writ petition is rejected. All contentions of the parties in the pending suit are expressly kept open.

(A.S.OKA, J.)